

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LOCKHEED MARTIN TRANSPORTATION
SECURITY SOLUTIONS, AN OPERATING UNIT OF
LOCKHEED MARTIN CORPORATION,

No.: 09 CV 4077 (PGG) (GWG)

Plaintiff,

- against -

NOTICE OF MOTION

MTA CAPITAL CONSTRUCTION COMPANY and
METROPOLITAN TRANSPORTATION AUTHORITY,

Defendants.

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TRAVELERS CASUALTY AND SURETY COMPANY
OF AMERICA, FEDERAL INSURANCE COMPANY,
and SAFECO INSURANCE COMPANY OF AMERICA,

No. 09 CV 6033 (PGG) (GWG)

Plaintiffs,

- against -

METROPOLITAN TRANSPORTATION AUTHORITY,
MTA CAPITAL CONSTRUCTION COMPANY, NEW
YORK CITY TRANSIT AUTHORITY, and
LOCKHEED MARTIN CORPORATION,

Defendants.

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PLEASE TAKE NOTICE that, upon the Declaration of Bruce L. Corriveau dated July 15, 2013, the Declaration of Adam P. Friedman dated July 15, 2013, the Statement Pursuant to Local Civil Rule 56.1, dated July 15, 2013, the exhibits annexed to the Sureties' Appendix to the Rule 56.1 Statement, and the Joint Appendices of all parties in this matter, and all other pleadings and proceedings heretofore had herein, Travelers Casualty Company of America, Federal Insurance Company, and Safeco Insurance Company of America (collectively, "the Sureties"), the plaintiffs in the action under Docket No. 09 CV 6033, by the undersigned

attorneys, will move before the Honorable Paul G. Gardephe, at the Courthouse, located at 500 Pearl Street, New York, New York, at a date and time to be determined by the Court, for an Order, pursuant to Rule 56 of the Federal Rules of Civil Procedure, awarding the Sureties partial summary judgment dismissing the Counterclaim of defendants Metropolitan Transportation Authority, MTA Capital Construction, and the New York City Transit Authority (collectively, the "MTA"), to the extent of \$5,468,907.83 and/or awarding the Sureties a credit in the sum of \$5,468,907.83 against any recovery to which the MTA might otherwise be entitled under its Counterclaim, and awarding the Sureties such other and further relief as the Court deems just and proper.

Dated: July 15, 2013

WOLFF & SAMSON PC

Attorneys for Plaintiffs

*Travelers Casualty & Surety Company of
America, Federal Insurance Company, and
Safeco Insurance Company of America*

By: /s Adam P. Friedman
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